

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ENCOMPASS INSURANCE COMPANY OF)	
MASSACHUSETTS,)	
)	
Plaintiff-Counterclaim Defendant,)	
)	
v.)	
)	
JOSEPH D. GIAMPA, FREDERICK T.)	Case No. 05-11693 RCL
GIAMPA, ADVANCED SPINE CENTERS, INC.)	
d/b/a FIRST SPINE REHAB, FUTURE)	
MANAGEMENT CORPORATION, FUTURE)	
MANAGEMENT BUSINESS TRUST, EDWARD)	
KENNEDY, BRIAN J. CULLINEY, D.C. and)	
JENNIFER MCCONNELL, D.C.,)	
)	
Defendants.)	
_____)	

**MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION TO
COMPEL ANSWERS TO INTERROGATORIES**

Now comes the Defendant ADVANCED SPINE CENTERS, INC. d/b/a FIRST SPINE REHAB (hereinafter "ASC") and, pursuant to Fed.R.Civ.P. Rule 37 and Local Rule 37.1, opposes Plaintiff's Motion to Compel further answers to Interrogatories.

Plaintiff complains of ASC's failure to answer one (1) interrogatory (#9). The interrogatory simply states: "What happened to the Patient Sign-In Sheets created and maintained at the treating clinic(s)?"

ASC has objected to this interrogatory as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and beyond the scope of discoverable information.

The Plaintiffs claims in this case concern the operation of a chiropractic clinic in Lowell, Massachusetts. The evidence to date has shown that over the last 7-10 years the co-defendant Future Management Corp. has operated as many as sixty (60) chiropractic clinics across the United States.

In making their requests for interrogatories, the Plaintiffs purport to seek information about all Future Management Corp. clinics.

As such the interrogatory “What happened to the Patient Sign-In Sheets created and maintained at the treating clinic(s)?” is virtually impossible to decipher or understand.

When a question is susceptible to numerous meanings, the answering party should not be forced to guess at the intent of the drafter, or give multiple answers depending on the interpretation of the interrogatory.

For the foregoing reasons, the Defendant respectfully requests that the Court deny the Plaintiff’s Motion to Compel.

Respectfully submitted,

ADVANCED SPINE CENTERS, INC.
d/b/a FIRST SPINE REHAB
By their attorney,

s/s Matthew J. Conroy
Matthew J. Conroy (BBO# 566928)
BELESI & CONROY, P.C.
114 Waltham Street
Lexington, Massachusetts 02421
(781) 862-8060

Dated: July 22, 2007

CERTIFICATE OF SERVICE

I, Matthew J. Conroy do hereby certify that a true and accurate copy of the foregoing was served on all counsel of record by mailing a copy of the same 1st class US Mail, postage prepaid this 23d day of July 2007.

s/s Matthew J. Conroy
Matthew J. Conroy

Dated: July 23, 2007